

**SIXTY-FIRST DAY**

(Thursday, April 19, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senators Kelley and Spears were granted leaves of absence for today on account of important business on motion of Senator Moffett.

**Senate Resolution 64**

(Relating to Wage Readjustment for Postal Employees)

Senator Aikin offered the following resolution:

Whereas, Employees of the United States Postal Service are today required to perform greater duties than heretofore; and

Whereas, Employees of the Postal Service have not received a permanent wage readjustment in more than a decade; and

Whereas, The tremendous amount of work now being done by the employees of the Postal Service is being performed in an efficient manner and is deserving of wage readjustment; now, therefore be it

Resolved, That the Texas Senate of the Forty-ninth Regular Session hereby endorses wage readjustment of

Postal employees in order that such employees may receive increased compensation commensurate with their work and responsibilities, and be it further

Resolved, That copies of this resolution be transmitted to all members of the Texas Congressional Delegation, to proper committees of the United States Senate and the United States House of Representatives, and to the Postmaster General of the United States.

The resolution was read and was adopted.

(President pro tempore in the Chair)

**House Concurrent Resolution 59**

On motion of Senator Shivers, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 59, Inviting Beaumont Melody Maids to appear before a joint session of the Legislature.

The President pro tempore laid the resolution before the Senate, and it was read and was adopted.

(President in the Chair)

**House Bill 156 on Second Reading**

Senator Chadick called House Bill No. 156 from the table for further consideration at this time.

The President laid before the Senate, on its passage to third reading (the bill having been read second time and tabled subject to call on yesterday):

H. B. No. 156, A bill to be entitled "An Act making an appropriation from the State Treasury for the support of the State Department of Education, Main Office, for stationery, printing, supplies, postage and contingent expense; Board of Examiners for seasonal examiners; and Radio and Visual Education, for contingent expense, totaling fourteen thousand seven hundred and eighty-seven dollars (\$14,787.00) for the fiscal year ending August 31, 1945."

With the following amendment by Senator Aikin pending:

Amend House Bill No. 156 by striking out all of line 47, page 1.

Senator Chadick offered the following substitute for the amendment by Senator Aikin:

Amend House Bill No. 156 by strik-

ing out lines 47 through 50, page 1 of the printed bill, and inserting in lieu thereof the following:

1. Texas School of the Air script and production...	\$1,047.50
2. Line service for Texas School of the Air.....	342.50
3. Salaries — Secretary and Film Librarian .....	981.25
4. Contingent (Travel, Telephone, Printing, etc.)....	128.75
<b>TOTAL .....</b>	<b>\$2,500.00</b>

#### LANAHAM ACT FUNDS ADMINISTRATION

1. Administrator, salary not to exceed \$375.00 per month .....	\$1,500.00
2. Assistant to Administrator, salary not to exceed \$168.75 per month.....	620.00
3. Contingent expense, including travel, supplies, light, telephone, telegraph, stamps, etc. ....	325.00
<b>TOTAL.....</b>	<b>\$2,445.00</b>

Senator Aikin offered the following amendment to the substitute:

Amend Chadick substitute by striking out item 4 of Section 1 of substitute and item 3 of Section 2.

Question—Shall the amendment to the substitute be adopted?

The roll was called and the vote was announced: "Yeas" 11, "Nays" 11.

The President voted "Yea" and the amendment to the substitute was adopted by the following vote:

#### Yeas—12

Mr. President	Mauritz
Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Graves	Stone
Jones	Taylor

#### Nays—11

Carney	Morris
Chadick	Shivers
Crawford	Stanford
Knight	Sulak
Lane	Vick
Martin	

#### Present—Not Voting

Parrish

#### Absent

Hazlewood	Weinert
Lanning	Winfield
Ramsey	York

#### Absent—Excused

Kelley	Spears
--------	--------

Question then first recurring on the substitute as amended, it was adopted.

Question next recurring on the amendment as substituted, it was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 156, page 1, by striking out line 43 and substitute therefor the following:

"For printing and postage for Bulletins on Elementary Education, \$2,300.00."

Senator Chadick moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

#### Yeas—16

Brown	Morris
Carney	Parrish
Chadick	Shivers
Crawford	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Martin	York

#### Nays—11

Aikin	Metcalf
Bullock	Moffett
Graves	Moore
Hazlewood	Stone
Lanning	Winfield
Mauritz	

#### Present—Not Voting

Weinert

#### Absent

Ramsey

#### Absent—Excused

Kelley	Spears
--------	--------

House Bill No. 156 was then passed to third reading.

#### House Bill 156 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 156 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

Absent

Ramsey

Absent—Excused

Kelley

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

Nays—1

Moore

Absent—Excused

Kelley

Spears

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 19, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 56, Instructing the Adjutant General of the State of Texas to compile an Honor Roll for the men and women of Texas in our Fighting Forces.

S. B. No. 316, An Act prescribing the method for the annexation of unoccupied territory continuous and adjacent to the city limits of certain incorporated cities and towns in petition of the owners of all such territory; providing for the recording of such petitions; and declaring an emergency.

S. B. No. 233, Authorizing the control by the Board of Insurance Commissioners of the State of Texas of the business of casualty, fidelity, surety and guaranty insurance. With amendments.

S. B. No. 234, Amending Article 4905A, Chapter 180, Acts of the Regular Session, 42 Legislature, so as to include other described lines of insurance. With amendments.

S. B. No. 81, A bill to be entitled "An Act which provides for the prevention and control of diseases; defining certain terms; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; authorizing the State Board of Health to receive public donations and co-operate with the Texas Water and Sanitation Research Foundation and other foundations for furtherance of public health research; and to construct certain buildings; repealing Rules 1 through 33 of Chapter IV, Article 4477 of the Revised Civil Statutes of Texas of 1925, save and except Senate Bill No. 46, Acts of 1927, 40th Legislature, First Called Session, page 116, Chapter Forty-one, as amended by Senate Bill No. 20, Acts of 1929, 41st Legislature, First Called Session, page 7, Chapter 4, which name is known as "The Vital Statistics Law" and rules 77, 78, 79, 80, 81, 83, 85 and 86 known as the sections on "Transportation of Dead Bodies," and shall remain in full force and effect; and repealing all laws, articles, sections, and subdivisions of laws which conflict or are inconsistent with this Act; prescribing a penalty; providing a saving clause; and declaring an emergency." With amendments.

H. C. R. No. 59, Extending an invitation to the Beaumont Melody Maids

to appear in concert before a Joint Session of the Legislature.

S. B. No. 90, A bill to be entitled "An Act amending Section 30 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended, so as to require all peace officers to make the same reports concerning seized liquor and property now required of representatives of the Texas Liquor Control Board; and declaring an emergency." With amendments.

S. B. No. 38, A bill to be entitled "An Act creating a Division of Special Education in the State Department of Education, for the education of physically handicapped children, defining the term "physically handicapped children"; limiting the costs per school year per pupil; providing a procedure for the creation of classes for physically handicapped children; providing a system of teacher-training and prescribing certain qualifications; providing for the payment of costs; requiring certain reports; providing for convalescent and hospital classes; providing a method of admittance and discharge; appropriating Thirty Thousand Dollars (\$30,000.00) for the administration of, and Two Hundred Seventy-five Thousand Dollars (\$275,000) for the biennium ending August 31, 1947; repealing all laws in conflict; providing for severability and declaring an emergency." With amendments.

S. B. No. 42, A bill to be entitled "An Act amending Chapter 433, page 694, Section 1 Acts of the Regular Session of the Forty-seventh Legislature, (Article 5068-2, Vernon's Texas Statutes), relating to health and accident insurance), and declaring an emergency."

S. B. No. 46, A bill to be entitled "An Act authorizing the State Board of Control to require and/or construct and/or recondition and equip a State Training School for dependent and delinquent colored girls at a cost of not to exceed \$150,000; appropriating \$150,000 for such purpose and further appropriating \$40,000 for the maintenance and operation of said institution for the year ending August 31, 1946 and \$50,000 for such maintenance and operation for the year ending August 31, 1947; authorizing the State Board of Control to

fix salaries of the superintendent and employees thereof at amounts not exceeding those paid for comparable positions in similar State institutions; and declaring an emergency."

H. B. No. 384, A bill to be entitled "An Act amending House Bill No. 68, Chapter 3, Acts of the Forty-fourth Legislature, Regular Session, 1935, as amended by Senate Bill No. 332, Chapter 123, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended by Senate Bill No. 216, Acts of the Forty-sixth Legislature, Regular Session, 1939; as amended by House Bill No. 503, Chapter 368, Acts of the Forty-eighth Legislature, Regular Session, 1943; providing for the reorganization of this special District Court of Smith County, Texas so that hereafter this Special District Court shall include Smith and Wood Counties, Texas; providing date when said Court shall no longer exist; changing time and terms of holding said Special District Court; providing for continuous terms of said Court in each county, so that each term shall continue until the beginning of the next term in each county; providing for the present Judge of the Special District Court of Smith County to continue as the Judge of this reorganized Special District Court of Smith and Wood Counties; providing that the appropriation made at this session of the Legislature to pay the salary of the Judge for the Special District Court of Smith County, Texas, shall be made available to pay the salary of the Judge of the Court as hereby reorganized; providing for concurrent jurisdiction of said Special District Court with the Seventh District Court in Smith and Wood Counties, and for the general jurisdiction of said Court; and providing for the transfer of cases from each of said Courts to the other in said counties; validating all process bonds and recognizances issued, made and served before this Act takes effect and making them returnable to the next term of Court in said counties and districts as herein fixed; validating the selection and summoning of grand and petit juries under this Act; and declaring an emergency."

H. B. No. 462, Providing regulations governing the taking of fish and minnows or the transportation of same when same are removed from the pub-

lic fresh waters of Tom Green County.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Bill 38 With House Amendments

Senator Morris called S. B. No. 38 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate and the House amendments were read.

Senator Morris moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Morris, Shivers, Lanning, Bullock and Brown.

(Senator Vick in the Chair)

#### Bill Ordered Printed in Journal

On motion of Senator Morris, the following House committee substitute for Senate Bill No. 90 was ordered printed in the Journal:

House Committee Amendment No. 1, by Hanna and Callaway:

Amend Senate Bill No. 90 by Morris by striking out all below the enacting clause and substituting therefor the following:

Section 1. That subsections (a) and (b) of Section 6, Chapter 325, Acts of the 48th Legislature, the same being an amendment of Section 30 of Article I, Chapter 467, Acts of the Second Called Session of the 44th Legislature, as amended, by Section 37, Chapter 448, Acts of the 45th Legislature, be and the same are hereby amended so each sub-section shall hereafter read as follows:

"(a). All alcoholic beverages and the containers thereof, equipment, and other property forfeited to the State as nuisances, unless otherwise herein provided, and all illicit beverages and the containers thereof forfeited to the state, shall be turned over to the Board for public or private sale in such place or manner as it may deem best; provided, that the Board shall

exercise diligent effort to obtain the best available price for anything thus sold; provided, further, that any bill of sale executed by the Board or Administrator shall convey a good and valid title to the purchaser as to any such property sold. The Board shall sell alcoholic beverages only to the holders of qualified permits or licenses. No alcoholic beverage unfit to be sold for public consumption or of illicit manufacture, may be sold by the Board, but are declared a nuisance per se and may be destroyed by the Board. The certificate of any qualified chemist shall be accepted by the Board as evidence of unfitness of such alcoholic beverages."

In the event the United States Government shall provide any plan or method whereby illicit alcoholic beverages and other property belonging to or forfeited to the state as nuisances shall be sold at ceiling prices during a national emergency, the Board shall have the right to comply with Federal law or regulations in the sale or disposal of such illicit alcoholic beverages or other property, even to the extent of partially or wholly abrogating any provisions hereof which may be in conflict with the Federal law or regulations.

"(b). All moneys derived from the sale of any beverages or property shall be placed in a separate fund in the State Treasury to be designated as the Confiscated Liquor Fund. Twenty per centum (20%) of said Confiscated Liquor Fund shall be available to the Board to defray the expenses of purchasing and accumulating evidence as to violations of and for the purpose of enforcing the provisions of this Act and to defray the expenses incurred in assembling, storage, transportation, sale, and accounting for such confiscated liquor and property. Any balance remaining in said fund on September 1 of each biennium shall be transferred and deposited in the General Fund of the State of Texas.

"As to liquor confiscated by representatives of the Board, or any peace officer, it shall be incumbent upon the officer making the seizure to list each and every item or items so confiscated and the place and name of owner, operator, or person from whom such seizure is made. Such report shall be made in quadruplicate, two copies of which shall be verified by oath; one verified copy shall be retained in the permanent files of the Liquor Con-

trol Board or other agency making the seizure, and one verified copy shall be filed with the Comptroller of the State of Texas, which shall constitute a permanent file, and both of which shall be subject to inspection by any member of the Legislature or any duly authorized law-enforcement agency of the State of Texas, and one copy shall be delivered to the owner, operator, or person from whom such seizure is made. A false statement of said confiscated liquor, beer, wine, or other personal property shall be punishable as now provided for false swearing."

Section 2. The fact that sheriffs, constables and other peace officers are not now required to account for seized liquors and property, creates an emergency and an imperative public necessity, that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

House Committee Amendment No. 2 by Hanna and Callaway:

Amend Senate Bill No. 90 by Morris by striking out all above the enacting clause and substituting therefor the following:

By Morris

S. B. No. 90

A BILL  
To Be Entitled

"An Act amending Section 30, Article I, Chapter 467, Acts of the Second Called Session of the 44th Legislature as amended, so as to allow the Board to comply with Federal law or regulations to the extent of partially or wholly abrogating any provisions hereof conflicting with Federal law or regulations; making a certain appropriation and so as to require all peace officers to make and file the same reports concerning seized liquor and property now required of representatives of the Texas Liquor Control Board; and declaring an emergency."

House Bill 215 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 215, A bill to be entitled "An Act making an appropriation for the support and maintenance of the

Judiciary of the State of Texas for the biennium beginning September 1, 1945, and ending August 31, 1947; requiring certain fees be paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions, repealing the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the validity of any portion of this Act shall not affect any other portion; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading.

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 215 by striking out all before and all after the enacting clause, and inserting in lieu thereof before the enacting clause the caption of S. B. No. 318, and below the enacting clause the entire text and substance of said S. B. No. 318.

The amendment was adopted.

Senator Jones offered the following amendment to the bill:

Amend H. B. No. 215 as amended page 6, line 35, Sec. 10, strike out figures \$400,000.00 and insert figures \$500,000.00.

On motion of Senator Aikin, the amendment was tabled.

(President in the Chair)

Senator Winfield offered the following amendment to the bill:

Amend substitute to H. B. No. 215 by striking out on page 3 of the printed bill line 25 the following:

"2. Clerk ..\$3,780.00 \$3,780.00" and inserting in lieu thereof the following:

"2. Clerk ...\$4,250.00 \$4,250.00"

Senator Winfield offered the following substitute for the amendment: Amend substitute for H. B. No. 215 by striking out the following on pages 1, 2, 3 and 4 of the printed bill: lines 27, 44, and 62, page 1; lines 18, 35, and 52 of page 2; lines 8, 25, 42, and 59 of page 3; and line 15 of page 4:

"2. Clerk ...\$3,780.00 \$3,780.00" and inserting in lieu thereof the following:

"2. Clerk ...\$4,250.00 \$4,250.00"

On motion of Senator Lanning, the substitute for the amendment was tabled.

On motion of Senator Lanning, the amendment was tabled.

Senator Bullock offered the following amendment to the bill:

Amend substitute for Senate Bill No. 318, page 4, item 7, by striking out the figures \$1000.00 and inserting in lieu thereof the figures \$1500.00.

On motion of Senator Lanning, the amendment was tabled.

House Bill No. 215 was then passed to third reading.

#### House Bill 215 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

#### Absent

Ramsey

#### Absent—Excused

Kelley                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 326 on First Reading

Senator Lanning moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

#### Absent—Excused

Kelley                      Spears

The following bill then was introduced, read first time and referred to the Committee on Education:

By Senator Lanning:

S. B. No. 326, A bill to be entitled "An Act amending Article 2624, Revised Civil Statutes of Texas, 1925, changing the name of the College of Industrial Arts, at Denton, in Denton County, to the "Texas State College for Women"; providing a changed meaning of the name, "College of Industrial Arts," or any reference thereto, wherever such name or reference appears in the Revised Statutes of Texas, 1925, or any amendments thereto, or in any Acts of any Legislature passed since the adoption of said Revised Statutes; ratifying and confirming in behalf of the Texas State College for Women all Legislative Acts and appropriations heretofore passed in behalf of the College of Industrial Arts or the Texas State College for Women; and declaring an emergency."

#### Senate Bill 327 on First Reading

Senator Lane moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Crawford
Brown	Graves
Bullock	Hazlewood
Carney	Jones
Chadick	Knight

Lane	Shivers
Lanning	Stanford
Martin	Stone
Mauritz	Sulak
Metcalfe	Taylor
Moffett	Vick
Moore	Weinert
Morris	Winfield
Parrish	York
Ramsey	

Absent—Excused

Kelley                      Spears

The following bill then was introduced, read first time and referred to the Committee on Judicial Districts:

By Senator Lane:

S. B. No. 327, A bill to be entitled "An Act to amend Subdivision 123 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, as amended, so as to change the terms of holding the One Hundred Twenty-third District Court in Shelby and Panola Counties, constituting the One Hundred Twenty-third Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in the summoning of grand and petit juries under this Act; and declaring an emergency."

#### House Bill 54 on Passage to Third Reading

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 54, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended, and declaring an emergency."

Senator Graves offered the following committee amendment to the bill:

Amend House Bill No. 54 by striking out all of Section 1 of said bill and insert in lieu thereof, the following:

"Section 1. That Article 7064, Revised Civil Statutes of 1925, as amended, be and same is hereby amended so as to hereafter read as follows:

"Article 7064. Insurance companies

other than life and other than fraternal benefit associations; tax on gross premiums.

Every insurance corporation, Lloyd's or reciprocals, and any other organization or concern transacting the business of fire, marine, marine inland, accident, credit, title, livestock, fidelity, guaranty, surety, casualty, workmen's compensation, employers liability, or any other kind or character of insurance business, other than the business of life insurance, personal accident insurance, life and accident insurance, or health and accident insurance for profit, or for mutual benefit protection in this State and other than fraternal benefit associations or societies in this State, at the time of filing its annual statement, shall report to the Board of Insurance Commissioners the gross amount of premiums received upon property located in this State or on risks located in this State during the preceding year, and each of such insurance carriers shall pay an annual tax upon such gross premium receipts of three and two-tenths (3.2%) per cent, provided that any such insurance carriers doing two (2) or more kinds of insurance business herein referred to shall pay the tax herein levied upon its gross premiums received from each of said kinds of business; and the gross premium receipts where referred to in this law shall be the total gross amount of premiums received on each and every kind of insurance or risk written, except premiums received from other licensed companies for reinsurance, less return premiums and dividends paid policyholders, but there shall be no deduction for premiums paid for reinsurance. The gross premium receipts, as above defined, shall be reported and shown as the premium receipts in the report to the Board of Insurance Commissioners by the insurance carriers, upon the sworn statements of two (2) principal officers of such carriers. Upon receipt by the Board of Insurance Commissioners of the sworn statements, showing the gross premium receipts by such insurance carriers, the Board of Insurance Commissioners shall certify to the State Treasurer the amount of taxes due by each insurance carrier which tax shall be paid to the State Treasurer on or before the first day of March following, and the Treasurer shall issue his receipt to such carrier, which shall be evidence of



the payment of such taxes. No such insurance carrier shall receive a permit to do business in this State until all taxes are paid.

Each such insurance organization shall also report to the Board of Insurance Commissioners on or before the first day of March of each year, the amount that it had invested on the 31st of December, preceding, in Texas securities as defined herein and the amount that it had invested on said date in similar securities in the state in which it had its highest percentage of admitted assets invested, and in computing the amount of such investments in such other state, it shall include as a part thereof that percentage of its investments in bonds of the United States of America, purchased between December 8, 1941 and the termination of the war in which the United States is now engaged that its Texas reserves are of its total reserves. If the report of such insurance organization as of December 31st preceding, shows that such organization had invested in Texas securities, as herein defined, an amount which is not less than seventy-five (75%) per cent nor more than eighty (80%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be two and seventy-five one-hundredths (2.75%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty (80%) per cent and not more than eighty-five (85%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be two and one-half (2½%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty-five (85%) per cent and not more than eighty-eight (88%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be two (2%) per cent of its gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an

amount which is in excess of eighty-eight (88%) per cent and not more than ninety (90%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be one and one-half (1½%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of ninety (90%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be nine-tenths of one (9/10 of 1%) per cent of such gross premium receipts.

For the purposes of this Act, Texas Securities are defined as real estate in this State; bonds of the State of Texas; bonds or interest bearing warrants of any county, city, town, school district or any municipality or subdivision thereof which is now or may hereafter be constituted or organized and authorized to issue bonds or warrants under the Constitution and laws of this State; notes or bonds secured by mortgage or trust deed on property in this State insured by the Federal Housing Administrator; the cash deposit in regularly established national or state banks or trust companies in this State on the basis of average monthly balances throughout the calendar year; that percentage of such insurance company's investments in the bonds of the United States of America that its Texas reserves or of its total reserves; but this provision shall apply only to United States Government Bonds purchased between December 8, 1941, and the termination of the war in which the United States is now engaged; in any other property in this State in which by law such insurance carriers may invest their funds.

No occupation tax shall be levied on insurance companies herein subjected to the gross premium receipt tax by any county, city or town. All mutual fraternal benevolent associations now or hereafter doing business in this State under the lodge system and representative form of government, whether organized under the laws of this State or a foreign state or country, are exempt from the provisions of this article. The taxes aforesaid shall constitute all taxes collectible under the laws of this

State against any such insurance carriers except maintenance taxes specially levied under the laws of this State and assessed by the Board of Insurance Commissioners to support the various activities of the divisions of the Board of Insurance Commissioners. No other tax shall be levied or collected from any insurance carrier by the State, county, city or any town, but this law shall not be construed to prohibit the levy and collection of State, county and municipal taxes upon the real and personal property of such carrier. Purely co-operative or mutual fire insurance companies carried on by the members thereof solely for the protection of their own property, and not for profit, shall be exempt from the provisions of this law."

Senator Graves offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 54, page 3, line 34, of the printed bill by inserting between the terms "health and accident insurance for profit," and "or for mutual benefit or protection," the following:

"written by a life insurance company, life and accident insurance company or health and accident insurance company,"

The amendment to the amendment was adopted.

Senator Graves offered the following amendment to the (committee) amendment:

Amend Committee Amendment No. 1 to House Bill No. 54, page 4, line 8, of the printed bill, by striking out the word "Texas" and by inserting after the word "reserves" and before the term "are of its total reserves," the following:

"for unearned premiums and loss reserves, as required in such other states,"

Senator Winfield suggested the absence of a quorum. The roll was called, and the following Members were present:

Aikin	Knight
Brown	Lane
Bullock	Lanning
Chadick	Martin
Crawford	Metcalf
Graves	Moore
Hazlewood	Morris
Jones	Parrish

Shivers  
Stanford  
Stone  
Taylor

Vick  
Weinert  
Winfield

A quorum was announced present.

Question recurring on the amendment to the committee amendment, it was adopted.

Senator Graves offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill 54, page 4, line 51, of the printed bill, in the paragraph defining "Texas Securities," by inserting between the terms "that its Texas reserves" and "are of its total reserves," the following:

"for unearned premiums and loss reserves as may be required by the Board of Insurance Commissioners,"

The amendment to the amendment was adopted.

The committee amendment as amended was adopted.

Senator Moore offered the following amendment to the bill:

Amend House Bill No. 54 (Committee Substitute) by striking out of Committee Amendment No. 1, on the printed bill lines 29 to 38 inclusive on page 1 and inserting in lieu thereof the following:

"Section 1. Should Article 7064, Revised Civil Statutes of Texas of 1925, for any reason be invalid or void, the following insurance organizations shall owe, from the date of the passage of this Act, in lieu of the taxes provided by Article 7064, Revised Civil Statutes of Texas of 1925, the taxes hereinafter levied and such shall be calculated and paid in the manner hereinafter provided as follows:"

And by inserting a new section, to be known as "Section 1a" and reading as follows:

"Section 1a. Should any insurance organization mentioned in Section 1 of this Act pay taxes under Article 7064, Revised Civil Statutes of Texas of 1925, it shall not be liable for penalties or interest for failure to pay under this Act, but shall be liable for all taxes levied by this Act from the date of the passage of this Act."

Question—Shall the amendment be adopted?

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
April 19, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: I am directed by the House to  
inform the Senate that the House has  
passed the following bills and reso-  
lutions:

H. B. No. 86, A bill to be entitled  
"An Act to amend Article 2980 of  
the Revised Civil Statutes of 1925,  
to eliminate the requirement that  
candidates for presidential electors  
shall have their names printed on  
the ticket, for President and Vice-  
President, respectively, of the Polit-  
ical Parties shall appear on the offi-  
cial ballot at the heads of their re-  
spective tickets; and declaring an  
emergency."

H. B. No. 111, A bill to be entitled  
"An Act to amend Article 3746, Title  
55, of the Revised Civil Statutes of  
Texas of 1925, so that the commission  
to take a deposition may be ad-  
dressed to and executed and returned  
by, any commissioned officer in the  
Armed Forces of the United States  
of America, in the Auxiliary thereto,  
or any commissioned officer in the  
Armed Force Reserve of the United  
States of America, or any Auxiliary  
thereto, where the witness is alleged  
to be a member of the Armed Forces  
of the United States, or of the Auxil-  
iaries thereof, without the territorial  
confines of the United States; and de-  
claring an emergency."

H. B. No. 141, A bill to be entitled  
"An Act to amend parts of Chapter 1,  
Title 46, of the Revised Civil Statutes  
of 1925 by amending Article 2461, as  
amended by Acts of 1929, 41st Legis-  
lature, Regular Session, Chapter 17,  
page 46, defining the words "Credit  
Union" and providing for Capital  
Stock and entrance fees; and by  
amending Article 2462, as amended by  
acts of 1929, 41st Legislature, Regular  
Session, Chapter 17, page 46, as  
amended by Acts of 1939, 46th Leg-  
islature, Regular Session, Chapter 1,  
page 221, section 1, by permitting a  
credit union to borrow money not to  
exceed fifty per cent of its capital  
and surplus; and by amending Ar-  
ticle 2477, as amended by Acts of  
1929, 41st Legislature, Regular Ses-

sion, Chapter 17, page 46, Section 1,  
as amended by Acts of 1939, 46th  
Legislature, Regular Session, Chapter  
1, page 221, section 3, by providing for  
the conditions for the making of loans,  
and removing the limitation of the  
period for which loans may be made;  
and by amending Article 2481, pro-  
viding for time, manner and amount  
of dividends that may be declared;  
and by amending Article 2482, pro-  
viding for a guaranty fund, the man-  
ner and conditions for setting apart  
of such fund, and the amount thereof;  
and declaring an emergency."

H. B. No. 187, A bill to be entitled  
"An Act amending Article 4557, Chap-  
ter 10, Title 71 of the Revised Civil  
Statutes of Texas, as amended, and  
Articles 4565, 4565-a, Chapter 10,  
Title 71, of the Revised Civil Statutes  
of Texas, as amended, describing the  
powers and duties of the Texas State  
Board of Examiners in Optometry;  
requiring all persons desiring to prac-  
tice optometry in Texas to pass an  
examination; prescribing qualifica-  
tions and method of giving examina-  
tions; prescribing examination fee  
and method of obtaining duplicate  
licenses; providing for an annual re-  
newal fee; providing certain exemp-  
tions for optometrists now in the  
armed forces; repealing all laws in  
conflict herewith and declaring that  
the remainder of the Act shall not be  
affected by the unconstitutionality or  
invalidity of any part thereof, and de-  
claring an emergency."

H. B. No. 237, A bill to be entitled  
"An Act appropriating to the De-  
partment of Texas of the United  
Spanish War Veterans the balance of  
the funds now in the State Treasury,  
deposited by the United States in 1898  
with the State of Texas to pay the  
enlisted men who entered the Volun-  
teer Army of the War with Spain.

H. B. No. 289, A bill to be entitled  
"An Act to amend Subsection 4 of Ar-  
ticle 7150 of the Revised Civil Statutes  
of Texas, 1925; and declaring an em-  
ergency."

H. B. No. 293, Amending Article  
1457 of Chapter 11, Title 17, of the  
Penal Code of the State of Texas,  
1925, so as to include cattle, cows,  
calves, bulls, steers, hogs sheep, goats,  
jacks, mules, horses, and jennies, or  
any one of them and requiring the  
keeping of records and a description

thereof; defining certain terms; prescribing the penalty for violation thereof by the auctioneer, salesman, or party offering such animal or animals for sale; and declaring an emergency."

Respectfully submitted  
CLARENCE JONES,  
Chief Clerk House of Representatives

#### House Bill 212 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading.

H. B. No. 212, A bill to be entitled "An Act to amend Article 4744, Revised Civil Statutes of 1925, and declaring an emergency."

The President laid the bill before the Senate on its second reading.

The bill was read second time and was passed to third reading.

#### House Bill 212 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

#### Absent—Excused

Kelley	Spears
--------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

#### Absent—Excused

Kelley	Spears
--------	--------

#### Bills Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bills:

S. B. No. 281, A bill to be entitled "An Act providing for the refunding of certain monies paid in good faith by purchasers and lessees or prospective purchasers and prospective lessees of Public Lands, minerals or timber, or paid in good faith on transaction in connection with such Public Lands, minerals and timber in instances where the funds to which such payments are accredited are not entitled to such monies and declaring an emergency."

S. B. No. 313, A bill to be entitled "An Act amending House Bill 131, Chapter 97, General and Special Laws of the Fortieth Legislature, First Called Session, 1927, creating the Harris County Houston Ship Channel Navigation District of Harris County, Texas; by adding a section to be known as Section 7a; providing that all proceedings, orders, notices, ballots, and other matters in connection with the authorization, voting, and issuance of five million dollars (\$5,000,000) Harris County Houston Ship Channel Navigation District of Harris County, Texas, bonds, voted at an election held December 19, 1944, and subsequent proceedings shall not be invalid by reason of named errors, etc.

S. B. No. 279, A bill to be entitled "An Act fixing the compensation of certain designated district and county officers in counties having a popula-

tion in excess of 500,000 inhabitants according to the last preceding or any future Federal census; providing the method, time, and manner in which said officers shall be compensated; providing for deputies, assistants, employees and department heads of such officers, fixing the method and manner of their appointment or employment, fixing their compensation and the time, manner, and method of payment; providing for the appointment and compensation of deputies, assistants, employees and department heads of the District Attorney, or Criminal District Attorney in such counties; providing that this law shall be cumulative of other laws applying to such counties; providing that all laws in force on the effective date of this Act or subsequently enacted with respect to the making of reports, accounts preparation of budget, auditing, approval, and disapproval of claims, and fixing the time, method, and manner of filing claims shall remain in effect and apply to all such officers, deputies, assistants, employees and department heads; declaring the provisions hereof to be severable, and declaring an emergency."

S. B. No. 170, A bill to be entitled "An Act to make it unlawful to take or kill wild quail or doves of any species for a period of three years in Garza County, Texas; fixing penalty; providing a rule of evidence; and declaring an emergency."

S. B. No. 190, A bill to be entitled "An Act fixing the salary of the Official Court Reporter in all Judicial Districts composed of four, or more counties; providing method of payment of salary, expenses and other compensation, providing for the apportionment of the payment of such salary, expenses and other compensation among the counties composing each of said Judicial Districts; providing that if any section, paragraph, sentence, clause, phrase, or any part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict to the extent of such conflict only; and declaring an emergency."

S. B. No. 225, A bill to be entitled "An Act declaring the legislative policy of the State as to Daingerfield Lake in Morris County in regard to game; regulating and prohibiting the

use and discharge of firearms on said Daingerfield Lake; making it a misdemeanor and providing a penalty for a violation of certain provisions of the Act; providing a certain exemptions from the provisions of the Act; prescribing the powers and duties of peace officers and game wardens in the enforcement of the Act; providing a saving clause; and declaring an emergency."

S. B. No. 230, A bill to be entitled "An Act to make it unlawful to take or kill wild quail or prairie chickens of any species for a period of five years in Terry County, Texas; fixing penalty; providing a rule of evidence; and declaring an emergency."

C. S. S. B. No. 19, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new subdivision to be known as subdivision 3a, providing for the formation of private corporations for one or more of the following purposes, namely, Religious, Charitable, Literary, Scientific or Educational; and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act providing that every child in a school district in which there is an incorporated city with no less than three hundred seventy-five thousand (375,000) inhabitants according to the last preceding Federal census, who is seven years and not more than sixteen years old, subject to the subdivisions 2 and 3 of Article 2893, Revised Civil Statutes of Texas of 1925, shall be required to attend a public, private or parochial school in the district of its residence or in some other district to which it may be transferred, as provided by law, for the entire regular school term of the district in which said child attends school, aid declaring an emergency."

S. B. No. 301, A bill to be entitled "An Act amending Section 1 of Chapter 216, Acts of the Regular Session, 47th Legislature, by omitting Lee county from the provisions thereof, prohibiting the killing, taking or possession of wild fox or their pelts in certain counties until 1946; and declaring an emergency."

S. B. No. 310, A bill to be entitled "An Act regulating the governing boards of navigation districts in this

State having a city containing 100,000 population or more according to the last preceding or any future Federal census; authorizing the employment of a general manager, prescribing his term of office, the terms and conditions of his bond and the duties required; regulating the method and manner of making contracts; authorizing hospitalization and medical services as part of the compensation of employees of such districts; authorizing the collection of statistics; declaring the provisions of this Act cumulative, and declaring an emergency."

#### Senate Bill 176 Set as Special Order

Senator Morris moved that Senate Bill No. 176 be set as a special order for Monday, April 23, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—27

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Shivers
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Mauritz	

Absent

Moore Ramsey

Absent—Excused

Kelley Spears

Motion to Set House Bill 42 as Special Order

Senator Bullock moved that House Bill No. 42 be set as a special order for Wednesday, April 25, 1945, immediately following the morning call.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14

Bullock	Lane
Carney	Martin
Chadick	Mauritz
Crawford	Metcalf

Moffett  
Morris  
Parrish

Shivers  
Stanford  
Stone

Nays—8

Aikin  
Jones  
Knight  
Lanning

Sulak  
Taylor  
Vick  
Winfield

Absent

Brown  
Graves  
Hazlewood  
Moore

Ramsey  
Weinert  
York

Absent—Excused

Kelley Spears

#### Senate Bill 79 Set as Special Order

Senator Mauritz moved that Senate Bill No. 79 be set as a special order for Monday, April 23, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—17

Aikin	Parrish
Bullock	Shivers
Chadick	Stanford
Crawford	Stone
Jones	Sulak
Knight	Taylor
Martin	Vick
Mauritz	Winfield
Moffett	

Nays—5

Carney	Metcalf
Lane	Morris
Lanning	

Absent

Brown	Ramsey
Graves	Weinert
Hazlewood	York
Moore	

Absent—Excused

Spears Kelley

#### Senate Bill 48 Set as Special Order

Senator Stanford moved that Senate Bill No. 48 be set as a special order for Monday, April 23, 1945, immediately following the morning call.

The motion prevailed by the following vote:

## Yeas—18

Aikin	Metcalf
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Crawford	Shivers
Jones	Stanford
Lane	Stone
Lanning	Sulak
Mauritz	Taylor

## Nays—4

Knight	Vick
Martin	Winfield

## Absent

Brown	Ramsey
Graves	Weinert
Hazlewood	York
Moore	

## Absent—Excused

Kelley	Spears
--------	--------

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 19, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. B. No. 527, A bill to be entitled "An Act to amend Article 4725, Revised Civil Statutes of 1925, as thereafter amended by adding to said article, as last amended, a provision to the effect that the provisions of subdivision 2 thereof as to the value of the real estate compared to the amount loaned thereon and as to the duration of such loans shall not apply to loans secured by real estate which are guaranteed in whole or in part under the provisions of Title III of the Servicemen's Readjustment Act of 1944, enacted by the Congress of the United States and approved June 22, 1944, and declaring an emergency."

H. B. No. 537, A bill to be entitled "An Act amending Section 1 of Chapter 129, Senate Bill No. 179, Regular Session 48th Legislature, regulating the hunting of deer in Orange, Liberty and Hardin Counties; repealing Chapters 88 and 304, Regular Session, 48th Legislature, on the same subject; re-

pealing all local or special laws in so far as they fix or attempt to fix a closed season on deer in Liberty County; repealing conflicting laws, and declaring an emergency."

H. B. No. 538, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than three thousand (3,000) and not more than four thousand (4,000) inhabitants, and having an assessed valuation of more than Three Million, Five Hundred Thousand (\$3,500,000) Dollars, and containing an area of more than one hundred thirty-five square miles, whether organized under General or Special Law, repealing all laws in conflict herewith, both General and Special; and declaring an emergency."

H. B. No. 541, A bill to be entitled "An Act amending Sec. 3 of Art. 3899b of Revised Civil Statutes, providing that in Counties of more than Three Hundred and Fifty-five Thousand (355,000) inhabitants, in addition to the expenditures, now authorized under Article 3899b, the Commissioners' Court of such Counties may allow the Tax Assessor and Collector, for use in discharge of official business, one or more automobiles, providing for the purchase and payment by the County, out of the County General Fund, or if such official or his deputies use their individual automobiles in discharge of official duties, etc., and declaring an emergency."

H. B. No. 579, A bill to be entitled "An Act amending Sections 1, 2 and 3 of Chapter 42, H. B. No. 59, Acts of the 43rd Legislature, First Called Session, providing an open season on foxes in Upshur County for a period of two years; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act amending Section 18 of Article 199, Title 8 of the Revised Civil Statutes of Texas, 1925, as amended, providing for the reorganization of the 18th Judicial District of the State of Texas and to provide that Bosque County shall be taken from the 52nd Judicial District and

transferred to the 18th Judicial District of the State of Texas; fixing the time and term of holding the 18th Judicial District Court in Somervell, Johnson and Bosque Counties constituting the 18th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds and making them returnable to the next term of court in said counties and districts as herein fixed; to validate the summoning of grand and petit juries under this Act; amending Section 52 of Article 199, Title 8, Revised Civil Statutes of Texas; 1925, as amended, fixing the time and terms of holding the 52nd Judicial District Court in Coryell, Hamilton and Comanche counties constituting the 52nd Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizance and bonds and making them returnable to the next term of courts in said counties and districts as herein fixed; to validate the summoning of grand and petit juries under this Act; and declaring an emergency."

H. B. No. 805, An Act providing for the fixing of compensation to Judges of District Courts and Criminal District Courts in Counties having a population of more than 350,000 and not more than 500,000 according to the last preceding or any future Federal census; etc.

H. B. No. 815, An Act creating a conservation district in Grayson and Cook Counties for the preservation of minnows; etc.

H. B. No. 820, An Act making it unlawful to hunt, take, or kill any squirrel except during the months of April, May, June, October, November and December in Cherokee County; providing for a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 821, An Act to amend Section 1 of H. B. No. 991, 46th Legislature, Regular Session, providing additional days in each week in which it shall not be unlawful to shoot, take, trap, snare, or in any other manner kill any quail in Camp County, Texas.

H. B. No. 832, An Act to amend Section 1 of Sub-division 6 of Article

199, Title 8, of the Revised Civil Statutes of Texas, 1925, as amended, providing for continuous terms of court for the 6th Judicial District of Texas; etc.

H. B. No. 833, An Act prescribing the salary of the Chief Deputy and the salaries and number of assistants and department heads in the office of the County Tax Assessor.

H. B. No. 312, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, independent school districts, drainage districts, water control and improvement districts, water improvement districts, navigation districts, road districts, or any other municipality or district in the State of Texas, located entirely within the boundaries of another municipality or district, to avail themselves of the services of the Tax Assessors and Collectors and Boards of Equalization of such other Municipality, or District in which it is located; providing for the compensation of such officers and Board for said services; providing a method for the termination of such services; authorizing the employment by any of said Municipalities or Districts of Attorneys to enforce or assist in the enforcement of the collection of any of its delinquent taxes, prescribing the rights and duties of said Attorneys; providing that if any part or portion of the Act be in conflict with any part or portion of any law of the State the terms and provisions of this Act shall govern and declaring an emergency."

H. B. No. 375, Providing for the creation of corporations with power (a) to buy livestock, poultry and products of ranch, farm, dairy and creamery, and the by-products thereof, and manufacture, process, and sell such products and by-products.

H. B. No. 377, A bill to be entitled "An Act requiring all State officers who have the power to employ any persons whose salaries are paid out of funds appropriated by the State Legislature to appoint at least twenty-five (25) per cent of such employees from the men and/or women who have served or will serve in the armed forces of the United States in World War II.



H. B. No. 424, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by general or special law or by county boards of trustees; providing this Act shall not validate the organization or creation of any district, or consolidation or annexation of any district in or to such district where the same is now involved in litigation; validating the acts of said county boards of trustees and boards of trustees of such districts; validating bond assumption elections and all bonds voted, authorized or now outstanding of said districts; validating all tax levies made or authorized in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the rate heretofore authorized or attempted to be authorized by any election, or by any Act of the Legislature; making certain exemptions; providing a saving clause; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act to amend Section 7, of Article 1524a, of the Acts of the 45th Legislature, 1937, p. 405, Chapter 204, Section 2, so as to exempt corporations subject to the provision of Article 1524a, with a minimum capital of \$50,000.00 from collateralizing the sale of certain certificates when sold only to borrowers of the issuing corporation in an amount not to exceed the amount of the debt of borrower to said corporation, and so long as the certificate sold matures at a date not later than the maturity date of the last installment of the debt of purchaser to the issuing corporation, but retaining the balance of the provisions of said section, and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act to amend Article 336, Code of Criminal Procedure of the State

of Texas, 1925 revision, relating to jury commissioners; and declaring an emergency."

H. B. No. 496, A bill to be entitled "An Act to provide for the summoning of jurors in criminal cases, not capital; amending Chapter Four (4) of Title Eight (8) of the Code of Criminal Procedure of the State of Texas, 1925 revision, by creating a new article to be known as 'Article 626A'; and declaring an emergency."

H. B. No. 497, A bill to be entitled "An Act to amend Article 2117, Revised Civil Statutes of Texas, 1925 revision, as amended, relating to the summoning of jurors in the county or district court; and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act to amend Article 2104, Revised Civil Statutes of Texas, 1925 revision, as amended; and amending Article 333, Code of Criminal Procedure of the State of Texas, 1925 revision, as amended, relating to the appointment of jury commissioners; and declaring an emergency."

H. B. No. 523, A bill to be entitled "An Act to amend Article 3638, Revised Civil Statutes of Texas, 1925, relating to service of citations by publication and/or posting and return on final accounts in estates of decedents; and declaring an emergency."

H. B. No. 556, A bill to be entitled "An Act to amend Article 7548 of Chapter 1 of Title 128 of the Revised Civil Statutes of the State of Texas of 1925; and declaring an emergency."

H. B. No. 583, A bill to be entitled "An Act to amend Section 4, of S. B. 266, Ch. 258, Acts of 1943, 48th Legislature, Regular Session, so as to exempt from the provisions of said Chapter any rental or lease agreement covering a rental period of not exceeding four months and involving a total expenditure of Two Hundred Dollars (\$200.00) or less; and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act authorizing savings and loan associations, banks, insurance companies, and other corporations or other organizations, similar or dissimilar to lend and to buy and sell for their

own account, obligations in which except as to value of property and dignity of lien thereon securing the obligation it is otherwise unlawful for such investor to invest its own funds (by direct loan or by purchase), if the entire amount of the indebtedness is insured or guaranteed in any manner by the United States or by this State; or if not so wholly insured or guaranteed, the difference between the entire amount of the indebtedness and that portion thereof insured or guaranteed by the United States or by this State does not exceed the amount permissible under the law of this State, and meets the requirements thereof as to value of property and dignity of lien thereon provided; further authorizing that any such lender may make an unsecured loan not exceeding Five Hundred Dollars (\$500) if at least one-half thereof is guaranteed pursuant to the Servicemen's Readjustment Act of 1944; providing a savings clause; and declaring an emergency."

H. B. No. 676, A bill to be entitled "An Act to empower any city or town in this State now or hereafter incorporated under the General Laws of this State, and not having a special charter, and not having a charter adopted or amended under the Home Rule provisions of the Constitution and Statutes of this State, and having located within its corporate limits or outside such corporate limits but within a distance of two miles from such corporate limits thereof, a Toll Bridge over a River between the State of Texas and the Republic of Mexico, to acquire such Toll Bridge.

H. B. No. 746, A bill to be entitled "An Act to authorize and permit the Boards of Regents of the several Teacher Training Schools of the State of Texas and the trustees of certain independent school districts to enter into contracts for teachers' training; and declaring an emergency".

H. B. No. 788, A bill to be entitled "An Act to amend Senate Bill No. 175, being Chapter 15, of the Acts of the Forty-sixth Legislature, Regular Session, effective March 25, 1939, as amended by House Bill No. 502, being Chapter 561 of the Acts of the Forty-seventh Legislature, Regular session, effective July 2, 1941, authorizing independent school

districts and city which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, to build additions thereto, and to authorize the purchase of additional buildings and grounds for such purposes and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same.

H. B. No. 49, A bill to be entitled "An Act amending Chapter 116 and House Bill 189 passed by the 44th Legislature in Regular Session, and Chapter 469, House Bill 127, passed by the 44th Legislature, Second Called Session, to provide requirements for students and demonstrators, providing qualifications for Board Members; providing for employment of Secretary; provide time and place of examinations; provide qualifications of Beauty Culture Schools; providing requirements for licensing of Beauty Culture Schools; providing for eligibility requirements for instructors' examinations; providing qualifications of students; providing for regulations of schools; providing requirements for licensing demonstrators; providing for reinstatement; providing for setting of fees; providing for penalties for the violation thereof; providing for repealing certain sections; providing a savings clause; and declaring an emergency."

H. B. No. 621, A bill to be entitled "An Act amending Article 1570, of the Penal code adding department stores and other businesses; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives

#### House Bills and Resolutions on First Reading

The following House bills and resolution, received from the House today, were laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 805, to Committee on Counties and County Boundaries.

H. B. No. 833, to Committee on Counties and County Boundaries.

H. B. No. 815, to Committee on Game and Fish.

H. B. No. 820, to Committee on Game and Fish.

H. B. No. 821, to Committee on Game and Fish.

H. B. No. 832, to Committee on Judicial Districts.

H. B. No. 462, to Committee on Game and Fish.

H. B. No. 527, to Committee on Veterans' Affairs.

H. B. No. 537, to Committee on Game and Fish.

H. B. No. 538, to Committee on Education.

H. B. No. 645, to Committee on Judicial Districts.

H. B. No. 579, to Committee on Game and Fish.

H. B. No. 541, to Committee on Counties and County Boundaries.

H. B. No. 384, to Committee on Judicial Districts.

H. B. No. 671, to Committee on Banking.

H. B. No. 583, to Committee on State Affairs.

H. B. No. 556, to Committee on State Affairs.

H. B. No. 523, to Committee on Civil Jurisprudence.

H. B. No. 498, to Committee on Criminal Jurisprudence.

H. B. No. 497, to Committee on Civil Jurisprudence.

H. B. No. 496, to Committee on Criminal Jurisprudence.

H. B. No. 495, to Committee on Criminal Jurisprudence.

H. B. No. 430, to Committee on Banking.

H. B. No. 424, to Committee on Education.

H. B. No. 377, to Committee on Veterans' Affairs.

H. B. No. 375, on Committee on Civil Jurisprudence.

H. B. No. 312, to Committee on Civil Jurisprudence.

H. B. No. 293, to Committee on Criminal Jurisprudence.

H. B. No. 289, to Committee on Education.

H. B. No. 237, to Committee on Finance.

H. B. No. 187, to Committee on Public Health.

H. B. No. 141, to Committee on Banking.

H. B. No. 111, to Committee on Civil Jurisprudence.

H. B. No. 86, to Committee on Privileges and Elections.

H. B. No. 621, to Committee on Criminal Jurisprudence.

H. B. No. 49, to Committee on Public Health.

H. B. No. 788, to Committee on Education.

H. B. No. 746, to Committee on Education.

H. B. No. 676, to Committee on Towns and City Corporations.

H. C. R. No. 56, to Committee on Veterans' Affairs.

### Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,  
April 19, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 324, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Austin, Texas,  
April 19, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 384, by Suiter and Baker, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Austin, Texas,  
April 19, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 815, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
April 19, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Edu-

cation to whom was referred S. B. No. 326 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

### Adjournment

Senator Aikin moved that the Senate recess to 2:30 o'clock p. m., today.

Senator Winfield moved that the Senate adjourn until 10:30 o'clock a. m., Monday, April 23, 1945.

Senator Aikin raised a point of order against the motion of Senator Winfield on the ground that the Senate may not adjourn for more than three days without consent of the House.

Senator Shivers suggested that an adjournment from Thursday to Monday would not be for "more than three days," and Senator Metcalfe cited certain precedents of adjournments from Thursday to Monday without the consent of the House.

The President then overruled the point of order.

Question then first recurring on the motion to adjourn, yeas and nays were demanded.

The roll was called and the result was announced: Yeas 14, nays 5, as follows:

#### Yeas—14

Carney	Mauritz
Chadick	Metcalfe
Crawford	Moffett
Knight	Parrish
Lane	Shivers
Lanning	Taylor
Martin	Winfield

#### Nays—5

Aikin	Stone
Jones	Sulak
Stanford	

#### Absent

Brown	Morris
Bullock	Ramsey
Graves	Vick
Hazlewood	Weinert
Moore	York

#### Absent—Excused

Kelley	Spears
--------	--------

The President announced the ab-

sence of a quorum and the inability of the Senate to adjourn without a quorum except from day to day.

Senator Stone moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded and the motion was lost by the following vote:

#### Yeas—5

Aikin	Stone
Chadick	Sulak
Stanford	

#### Nays—14

Carney	Mauritz
Crawford	Metcalfe
Jones	Moffett
Knight	Parrish
Lane	Shivers
Lanning	Taylor
Martin	Winfield

#### Absent

Brown	Morris
Bullock	Ramsey
Graves	Vick
Hazlewood	Weinert
Moore	York

#### Absent—Excused

Kelley	Spears
--------	--------

Senator Metcalfe moved a call of the Senate for the purpose of securing and maintaining a quorum, and the call was duly seconded.

Question—Shall the call be ordered?

Yeas and nays were demanded, and the call was ordered by the following vote:

#### Yeas—16

Carney	Mauritz
Crawford	Metcalfe
Chadick	Moffett
Jones	Parrish
Knight	Shivers
Lane	Stanford
Lanning	Taylor
Martin	Winfield

#### Nays—3

Aikin	Sulak
Stone	

#### Absent

Brown	Graves
Bullock	Hazlewood

Moore  
Morris  
Ramsey

Vick  
Weinert  
York

Absent—Excused

Kelley

Spears

The President directed the Sergeant-at-Arms to enforce the attendance of all unexcused absent members.

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—4

Aikin  
Stanford

Stone  
Sulak

Nays—14

Carney  
Chadick  
Crawford  
Jones  
Knight  
Lane  
Martin

Mauritz  
Metcalf  
Moffett  
Parrish  
Shivers  
Taylor  
Winfield

Absent

Brown  
Bullock  
Graves  
Hazlewood  
Lanning  
Moore

Morris  
Ramsey  
Vick  
Weinert  
York

Absent—Excused

Kelley

Spears

Senators Brown and Spears appeared in the Senate Chamber and were announced present.

At the direction of the President, the roll was called to ascertain the presence of a quorum.

The following 21 Senators answered to their names:

Aikin  
Brown  
Carney  
Chadick  
Crawford  
Jones  
Knight  
Lane  
Lanning  
Martin  
Mauritz

Metcalf  
Moffett  
Parrish  
Shivers  
Spears  
Stanford  
Stone  
Sulak  
Taylor  
Winfield

Senator Winfield then moved that the Senate adjourn until 10:00 o'clock a. m., Monday, April 23, 1945.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—16

Brown  
Carney  
Chadick  
Crawford  
Knight  
Lane  
Lanning  
Martin

Mauritz  
Metcalf  
Moffett  
Parrish  
Shivers  
Spears  
Taylor  
Winfield

Nays—5

Aikin  
Jones  
Stanford

Stone  
Sulak

Absent

Bullock  
Graves  
Hazlewood  
Moore  
Morris

Ramsey  
Vick  
Weinert  
York

Absent—Excused

Kelley

Accordingly, the Senate, at 1:25 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, April 23, 1945.

## SIXTY-SECOND

(Monday, April 23, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin  
Brown  
Bullock  
Carney  
Chadick  
Crawford  
Graves  
Jones  
Knight  
Lane  
Lanning  
Mauritz  
Metcalf  
Moffett

Moore  
Morris  
Parrish  
Ramsey  
Shivers  
Spears  
Stanford  
Stone  
Sulak  
Taylor  
Weinert  
Winfield  
York

A quorum was announced present.